# Petition

81-1950

No.

Supreme Court, U.S.
FILED
APR 20 1982
ALEXANDER L. STEVAS
CLERK

In the

# Supreme Court of the United States

MILDRED KOZMEL,

*Petitioner,*

*vs.*

INDUSTRIAL COMMISSION OF ILLINOIS, SEARS BANK & TRUST COMPANY,

*Respondents.*

Petition for Writ of Certiorari to review a decision of the Supreme Court of Illinois
Docket No. 54692
Honorable JAMES C. MURRAY
Circuit Court of Cook County, Illinois

## PETITION FOR WRIT OF CERTIORARI

Y. JUDD AZULAY
*Of Counsel*
205 West Wacker Drive
Suite #1500
Chicago, Illinois 60606
312/236-6965

RODERICK F. MOLLISON
*Counsel for Petitioner*
205 West Wacker Drive
Suite #1500
Chicago, Illinois 60606
312/236-6965

The Scheffer Press, Inc.—(312) 263-6850

## I

## QUESTIONS PRESENTED FOR REVIEW

Whether the failure of the State administrative agency to provide a timely hearing as required by State Statute denies the Petitioner due process of law under the Fourteenth Amendment, *U.S. Constitution.*

## II

## PARTIES BELOW

The parties below are shown in the caption of this Petition: The Illinois Industrial Commission and Sears Bank and Trust Company.

III

## TABLE OF CONTENTS AND AUTHORITIES


PAGE

Reference to Official Reports Below ..... iii

Statement of Jurisdiction ..... 1

28 U.S.C. 2104, 28 U.S.C. 2106 ..... 1

Constitutional Provisions, Statutes Involved ..... 2

U.S. Const. Amend., XIV ..... 2

Ill. Rev. Stat. Chp. 48, Sec. 138.13 ..... 2

Ill. Rev. Stat. Chp. 38, Sec. 138.16 ..... 2

Ill. Rev. Stat. Chp. 110A, Sec. 302(a) ..... 2

Statement of the Case ..... 2

Review of Federal Questions Below ..... 3

Argument ..... 4

Federal Question Review ..... 4

Manhatten Life Ins. Co. v. Cohen, 234 U.S. 123 (1914) ..... 4

Boykin v. Alabama, 395 U.S. 738 (1969) ..... 4

Franks v. Delaware, 438 U.S. 162 (1978) ..... 4

Due Process Right To a Timely Hearing ..... 4

Ferguson v. Ind. Comm., 397 Ill. 348 (1947) ..... 4

Trigg. v. Ind. Comm., 364 Ill. 581 (1937) ..... 4

Grigsby v. Ind. Comm., 76 Ill. 2d 528 (1979) ..... 5

O'Brien v. Rautenbush, 10 Ill. 2d 167 (1957) ..... 5

Interstate Comm. Commission vs. Southern R. Co. v. Virginia, 290 U.S. 190 (1947) ..... 6

Appendix ..... 1a

PAGE

## IV

## REFERENCE TO OFFICIAL REPORTS BELOW

*Kozmel* v. *Industrial Commission*, 88 Ill. 2d 512, 431 N.E. 2d 373 (1982)

IN THE

SUPREME COURT OF THE UNITED STATES

---

**No.**

---

MILDRED KOZMEL,

*Petitioner,*

*vs.*

INDUSTRIAL COMMISSION OF ILLINOIS, SEARS BANK & TRUST COMPANY,

*Respondents.*

---

Petition for Writ of Certiorari to review a decision of the Supreme Court of Illinois

Docket No. 54692

Honorable JAMES C. MURRAY

Circuit Court of Cook County, Illinois

---

## PETITION FOR WRIT OF CERTIORARI

---

### V

### STATEMENT OF JURISDICTION

**(i)**

The judgment of the Supreme Court of Illinois for this case entered January 21, 1982.

(ii)

No orders for a rehearing or extensions of time were ever entered.

(iii)

No cross-petition for writ of certiorari has been filed in this cause.

(iv)

Jurisdiction to review the judgment of the Supreme Court of Illinois is conferred by 28 U.S.C. 2104 and 28 U.S.C. 2106.

## VI

## CONSTITUTIONAL PROVISIONS, STATUTES INVOLVED

U.S. Const. Amend. XIV, Sec. 1

Ill. Rev. Stat. (1979) Chp. 48, Sec. 138.13

Ill. Rev. Stat. (1979) Supreme Court Rule, Chp. 110A, Sec. 302(a)

Ill. Rev. Stat. (1979) Chp. 48, Sec. 138.16

(Full text reproduced in Appendix)

## VII

## STATEMENT OF THE CASE

In March, 1972, MILDRED KOMZEL petitioned the ILLINOIS INDUSTRIAL COMMISSION for relief for a job related injury suffered by her while employed by SEARS BANK and TRUST COMPANY in Chicago.

The matter was called for a hearing and an award was entered by the ILLINOIS INDUSTRIAL COMMISSION on July 13, 1979, based on the statutory rate of compensation in effect in 1972.

The reason for the seven years delay was attributed to be the fault of the ILLINOIS INDUSTRIAL COMMISSION by the attorney for the employer. The difference in the rate of statutory compensation in effect in 1972 is lower than the rate of compensation in effect in 1979.

MILDRED KOZMEL contends that the seven years delay in providing compensation is a denial of due process of law. Under Illinois law, the INDUSTRIAL COMMISSION of Illinois is an administrative body charged with enforcement and administration of the Illinois Workman's Compensation Act.

## VIII

## REVIEW OF FEDERAL QUESTIONS BELOW

The issue of a federal question was never presented below. The issue of federal due process arises solely by virtue of the Illinois Supreme Court's judgment; that the Court below decided the constitutional issue on the merits.

## IX
## ARGUMENT

### FEDERAL QUESTION REVIEW

Under Illinois law, the Illinois Supreme Court has direct, supervisory control of the decisions of the Illinois Industrial Commission by direct appeal. Review of the decisions of Illinois Industrial Commissions by the Illinois Supreme Court is mandatory, not discretionary. Illinois Supreme Court Rule 302(a). The failure of the Illinois Industrial Commission to provide a timely hearing was raised as an issue on appeal to the Illinois Supreme Court, and that Court decided that issue on its merits. The right of appeal from the highest state court's ruling on the merits of a federal question leaves the matter open to review in the United States Supreme Court. *Manhatten Life Ins. Co.* v. *Cohen*, 234 U.S. 123 (1914) *Boykin* v. *Alabama*, 395 U.S. 238 (1969) *Franks* v. *Delaware*, 438 U.S. 162 (1978).

### DUE PROCESS RIGHT TO A TIMELY HEARING

Under Illinois statute, the Illinois Industrial Commission is an administrative agency of the legislature, specifically charged with the duty to administer the Illinois Workman's Compensation Act. *Ferguson* v. *Industrial Commission*, 397 Ill. 348, 74 N.E.2d 539 (1947). *Trigg* v. *Industrial Commission*, 364 Ill. 581, 5 N.E.2d. 394 (1937).

In this case, the Industrial Commission of Illinois failed to provide a "simple and summary" hearing for the Petitioner, MILDRED KOZMEL, although expressly required to do so. Ill. Rev. Stat. 1979, Chp. 48, Sec.

138.16. Specifically, a hearing was not given until seven (7) years after application was made by MILDRED KOZMEL to the Industrial Commission of Illinois.

During that period of delay, the Illinois Legislature increased the statutory rate of compensation in the year 1977. Under Illinois law, the applicable rate of compensation is determined as of the date of injury, and not on the date of a compensation award. The rationale expressed by the Illinois Supreme Court is that allowing compensation as of the date of award would encourage the parties to manipulate the schedule of hearing. *Grigsby* v. *Industrial Commission,* 76 Ill. 2d 528 at 534 (1979). However, since its inception in Illinois in July 1, 1951, the rates of compensation have never decreased, instead they have always gone up. The only party who would benefit by "manipulating" the "schedule of hearing" before the Industrial Commission under that rationale would be the injured employee. The Illinois Supreme Court has frequently acknowledged that frequently in Illinois, an injured employee has no other redress than through the Workman's Compensation Act, and as a matter of public policy, Workman's Compensation is desirable because it provides a quick and efficient remedy. *O'Brien* v. *Rautenbush,* 10 Ill.2d 167 (1957). How realistic is it then to believe that the injured employee, in need of a quick and efficient remedy, would manipulate the hearing date at the Illinois Industrial Commission to delay an award for her injury? Clearly, only the employer stands to benefit by delay, particularly in time of inflation and rising compensation rates.

However, it is the duty of the Administrative Agency to provide fair and adequate hearings when required to do so by statute. *Interstate Commerce Comm.* v. *Southern R. Co.* v. *Virginia*, 290 U.S. 190 (1947). That the Illinois Industrial Commission failed to do.

## CONCLUSION

The Petitioner, MILDRED KOZMEL, prays for a Writ of Certiorari to issue to the Illinois Supreme Court to review the cause.

Respectfully submitted,

Y. Judd Azulay
*Of Counsel*
205 West Wacker Drive
Suite #1500
Chicago, Illinois 60606
312/236-6965

Roderick F. Mollison
*Counsel for Petitioner*
205 West Wacker Drive
Suite #1500
Chicago, Illinois 60606
312/236-6965

# Appendix

# APPENDIX

## U.S. CONSTITUTION, AMENDMENT XIV

Section 1. Citizens of the United States.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## Ill. Rev. Stat. chp. 110A, sec. 302

## S.Ct. Rule 302

302. (Supreme Court Rule 302).
Direct Appeals to the Supreme Court

(a) Cases Directly Appealable. Appeals from final judgments of circuit courts shall be taken directly to the Supreme Court (1) in cases in which a statute of the United States or of this State has been held invalid, and (2) in proceedings to review orders of the Industrial Commission.

(b) Cases in Which the Public Interest Requires Expeditious Determination. After the filing of the notice of appeal to the Appellate Court in a case in which the public interest requires prompt adjudication by the Supreme Court, the Supreme Court or a justice thereof may order that the appeal be taken directly to it. Upon the entry of such an order, any documents already filed in the Appellate Court shall be transmitted by the clerk of that court to the clerk of the Supreme Court. From that point the case shall proceed in all respects as though the appeal had been taken directly to the Supreme Court.

(c) Summary Disposition. The Supreme Court, after the briefs have been filed, may dispose of any case without oral argument or opinion if no substantial question is presented or if jurisdiction is lacking.

Amended eff. July 1, 1971. (An amendment of June 29, 1978, was to have abolished direct appeals in proceedings to review orders of the Industrial Commission. The amendment was to have been effective January 1, 1979. On December 1, 1978, the effective date of the amendment was postponed until July 1, 1979. On June 1, 1979, the amendment was rescinded. Mr. Justices Clark and Moran dissented from the rescission of the amendment.)

Committee Comments

Ill. Rev. Stat. Chp. 48, sec. 138.13

138.13. Industrial commission—Creation—Membership—Tenure—Administration of act—Salaries—Vacancies—Rights of succession

§ 13. There is created an Industrial Commission consisting of 5 members to be appointed by the Governor, by and with the consent of the Senate, 2 of whom (one from each of the 2 major political parties) shall be representative citizens of the employing class operating under this Act and 2 of whom (one from each of the 2 major political parties) shall be representative citizens of the class of employees covered under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes and who may be appointed without regard to his political affiliation and who shall be designated by the Governor as Chairman.

Each Commissioner shall devote full time to his duties and any Commissioner who is an attorney-at-law shall not engage in the practice of law, nor shall any Commissioner hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State.

The term of office of each member of the Commission holding office on March 31, 1971 is abolished, but the incumbents shall continue to exercise all of the powers and be subject to all of the duties of Commissioners until their respective successors are appointed and qualified.

The Industrial Commission shall administer this Act.

The members shall be appointed by the Governor, with the advice and consent of the Senate, to hold office for a term of 4 years from the third Monday in January of the year of their appointment and until their successors are appointed and qualified, except that 2 members, one of each political party, and one of whom shall be a representative citizen of the employing class operating under this Act and one of whom shall be a representative citizen of the class of employees covered under this Act, who shall be appointed after March 31, 1971, shall hold office until the third Monday in January of 1975, and that 3 members appointed after March 31, 1971, in accordance with the provisions of the first paragraph of this Section shall hold office until the third Monday in January of 1973, as designated by the Governor at the time of appointment, and until their successors are appointed and qualified.

The term of office of the 3 members, one of whom shall be a representative citizen of the employing class operating nader this Act, one of whom shall be a representative citizen of the class of employees covered in this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes and shall be designated by the Governor as Chairman (one of each of the two major political parties, and one without regard to his political affiliation) appointed as successors to those who had been designated to hold office until the third Monday of January in 1973, and whose term is herein abolished, notwithstanding any other provision of this Section to the contrary, expire on the

third Monday of January in 1973. Appointments made thereafter shall be for a 4 year term. In each case, a member shall serve until his successor is appointed and qualified.

The Chairman shall receive an annual salary of $41,800 from the third Monday in January, 1979, to the third Monday in January, 1980, and $42,500 thereafter, and each other member shall receive an annual salary of $38,000.

In case of a vacancy in the office of a Commissioner during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office. Any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his successor is appointed and qualified. If the Senate is not in session at the time this amendatory Act of 1971 takes effect, the Governor shall make temporary appointments as in the case of a vacancy.

The Industrial Commission created by this amendatory Act of 1971 shall succeed to all the rights, powers, duties, obligations, records and other property and employees of the Industrial Commission which it replaces and all applications and reports to actions and proceedings of such prior Industrial Commission shall be considered as applications and reports to actions and proceedings of the Industrial Commission created by this amendatory Act of 1971.

Amended by P.A. 77-552, § 1, eff. July 31, 1971; P.A. 78-1285, § 5, eff. Feb. 1, 1975; P.A. 80-1094, § 1, eff. Nov. 22, 1977; P.A. 80-1470, § 7, eff. Nov. 29, 1978; P.A. 80-1, 4th Sp.Sess., § 6, eff. Jan. 7, 1979.

Ill. Rev. Stat. chp. 48, sec. 138.16

138.16. Rules and orders—Depositions—Subpoenas—Hospital records—Court reporter—Fees and charges

§ 16. The Commission shall make and publish procedural rules and orders for carrying out the duties imposed upon it by law and for determining the extent of disability sustained, which rules and orders shall be deemed prima facie reasonable and valid.

The process and procedure before the Commission shall be as simple and summary as reasonably may be.

The Commission upon application of either party may issue dedimus potestatem directed to a commissioner, notary public, justice of the peace or any other officer authorized by law to administer oaths, to take the depositions of such witness or witnesses as may be necessary in the judgment of such applicant. Such dedimus potestatem may issue to any of the officers aforesaid in any state or territory of the United States. When the deposition of any witness resident of a foreign country is desired to be taken, the dedimus shall be directed to and the deposition taken before a consul, vice consul or other authorized representative of the government of the United States of America, whose station is in the country where the witness whose deposition is to be taken resides. In countries where the government of the United States has no consul or other diplomatic representative, then depositions in such case shall be taken through the appropriate judicial authority of that country; or where treaties provide for other methods of taking depositions, then the same may be taken as in such treaties provided. The Commission shall have the power to adopt necessary rules to govern the issue of such dedimus potestatem.

The Commission, or any member thereof, or any Arbitrator designated by said Commission shall have the power

to administer oaths, subpoena and examine witnesses; to issue subpoenas duces tecum, requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry and to examine and inspect the same and such places or premises as may relate to the question in dispute. Said Commission, or any member thereof, or any Arbitrator designated by said Commission, shall on written request of either party to the dispute, issue subpoenas for the attendance of such witnesses and production of such books, papers, records and documents as shall be designated in said applications, providing, however, that the parties applying for such subpoena shall advance the officer and witness fees provided for in suits pending in the Circuit Court, except as otherwise provided by Section 20 of this Act. Service of such subpoena shall be made by any sheriff or constable or other person. In case any person refuses to comply with an order of the Commission or subpoenas issued by it or by any member thereof, or any Arbitrator designated by said Commission or to permit an inspection of places or premises, or to produce any books, papers, records, or documents, or any witness refuses to testify to any matters regarding which he may be lawfully interrogated, the Circuit Court of the county in which said hearing or matter is pending, on application of any member of the Commission or any Arbitrator designated by the Commission, shall compel obedience by attachment proceedings, as for contempt, as in a case of disobedience of the requirements of a subpoena from such court on a refusal to testify therein.

The records kept by a hospital, certified to as true and correct by the superintendent or other officer in charge, showing the medical and surgical treatment given an injured employee in such hospital, shall be admissible without any further proof as evidence of the medical and surgical matters stated therein, but shall not be conclusive proof of such matters.

(No. 54692.—Judgment affirmed.)

MILDRED KOZMEL, Appellant, v. THE INDUSTRIAL COMMISSION *et al.* (Sears Bank and Trust Company( Appellee).

*Opinion filed January* 21, 1982.

1. WORKMEN'S COMPENSATION—*the rate of workmen's compensation is governed by the law in effect at the time of the injury.* The rate of workmen's compensation is governed by the law in effect at the time of the injury, since the statute providing such rates concern substantive rights and liabilities of the parties. (Pp. 513-14.)

2. WORKMEN'S COMPENSATION—*the Workmen's Compensation Act provides specific remedies for undue delay in processing of a claim or improper refusal to pay compensation.* When an employer is responsible for undue delay in the processing of a claim or improper refusal to pay compensation, the Workmen's Compensation Act contains several provisions under which the Industrial Commission can impose penalties for such conduct (Ill. Rev. Stat. 1979, ch. 48, pars. 138.16, 139.19(g), 138.19(k), 138.19(l)). (P. 514.)

3. WORKMEN'S COMPENSATION—*retroactive application of newly enacted workmen's compensation rates is not the appropriate remedy for alleged delay in processing a claim.* Retroactive application of newly enacted amendments increasing the rate of workmen's compensation is not the appropriate remedy for alleged improper delay in processing a claim or improper refusal to pay compensation. (P. 514.)

Appeal from the Circuit Court of Cook County, the Hon. James C. Murray, Judge, presiding.

Roderick F. Mollison, of Chicago, for appellant.

Discipio, Martay & Caruso (William H. Martay, of counsel), of Chicago, for appellee.

JUSTICE GOLDENHERSH delivered the opinion of the court:

Petitioner, Mildred Kozmel, appeals from the judgment of the circuit court of Cook County confirming an award of the Industrial Commission. (73 Ill. 2d R. 302(a).) She was injured on September 8, 1971, while in the employ of respondent, Sears Bank and Trust Company. On August 30, 1974, a hearing was held before an arbitrator for the Industrial Commission who died prior to entering an award. Following considerable delay, not explained in the record, the case was heard before another arbitrator. The arbitrator, on July 13, 1979, awarded petitioner compensation based on the rate in effect on the date of the injury. Petitioner sought review, and the Industrial Commission affirmed the award and adopted it as the decision of the Industrial Commission. On *certiorari* the circuit court confirmed the decision of the Industrial Commission.

Petitioner contends that it was the duty of the Industrial Commission to process her claim expeditiously, and that it was the duty of respondent to insure that her claim was resolved promptly. Petitioner argues that because both the Industrial Commission and respondent have failed in the performance of their duties, the rate of compensation applicable to the award should be that which was in effect at the time the award was made and not the rate in effect on the date of the injury.

In *Grigsby* v. *Industrial Com.* (1979), 76 Ill. 2d 528, the court considered the contention that the Industrial Commission had erred in failing to apply the compensation rate which was in effect at the time of making an award based on an injury suffered prior to the enactment of the statute increasing the rates. The court reviewed its prior decisions and concluded that the amendment to the Workmen's Compensation Act which changed the rate of compensation concerned substantive rights and liabilities of the parties, and that the rate of com-

pensation was governed by the law in effect at the time of the injury. We find no basis for holding that delay caused by the Industrial Commission should alter or modify that rule.

If respondent was responsible for undue delay in the processing of the claim or improperly refused to pay compensation, the Worker's Compensation Act contains several provisions under which the Industrial Commission can impose penalties for such conduct (see Ill. Rev. Stat. 1979, ch. 48, pars. 138.16, 139.19(g), 138.19(k) and 138.19(l)), and petitioner's remedy was to invoke one of these provisions. Retroactive application of newly enacted amendments increasing the rate of compensation is not the appropriate remedy.

For the reasons stated, the judgment of the circuit court is affirmed.

*Judgment affirmed.*

# Supplemental Appendix

Office - Supreme Court, U.S.
FILED
MAY 24 1982
ALEXANDER L. STEVAS,
CLERK

No. 81-1950

# In the Supreme Court of the United States

MILDRED KOZMEL,

*Petitioner,*

*—vs.—*

INDUSTRIAL COMMISSION OF ILLINOIS, SEARS BANK & TRUST COMPANY,

*Respondents,*

Petition for Writ of Certiorari to review a decision of
the Supreme Court of Illinois
Docket No. 54692
Honorable James C. Murray
Circuit Court of Cook County, Illinois

## SUPPLEMENTAL APPENDIX

Y. Judd Azulay
*Of Counsel*
205 West Wacker Drive
Suite # 1500
Chicago, Illinois 60606
312/236-6965

Roderick F. Mollison
*Counsel for Petitioner*
205 West Wacker Drive
Suite # 1500
Chicago, Illinois 60606
312/236-6965

REMCO GRAPHICS 463-6858

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT LAW DIVISION

| | | |
|---|---|---|
| Mildred Kozmel | ) | |
| | ) | |
| –vs.– | ) | No. 80 L 13884 |
| | ) | |
| Industrial Commission & | ) | |
| Sears Bank & Trust Co. | ) | |

ORDER

This cause coming to be heard on Writ filed by Kozmel, the parties being present by counsel and after argument of counsel and the Court being fully advised.

It is Hereby Ordered that the Court affirms and adopts the decision of the Industrial Commission and the award of the Industrial Commission and the award of the Arbitrator.

Martay Discipio
*Attorney for Respondent*
228 North LaSalle Street
Chicago, Illinois
782-1407

February 9, 1981

Honorable James C. Murray
*Judge Presiding*

MORGAN M. FINLEY, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

STATE OF ILLINOIS )
) SS
COUNTY OF COOK )

BEFORE THE INDUSTRIAL COMMISSION
OF ILLINOIS

No. 72 WC 21382

Mildred Kozmel,

Petitioner,

—vs.—

Sears Bank and Trust Co.,

Respondent,

NOTICE OF DECISION AND DECISION OF ARBITRATOR

Take notice that on July 13, 1979, the decision of the Arbitrator set forth below, was filed with the Industrial Commission.

Notice and application for adjustment of claim having been filed in the above entitled matter, and Daniel Smith having been designated by said Commission as Arbitrator at 160 N. LaSalle St. in the City of Chicago, said County and State, on July 9, 1979, and after hearing the proofs and allegations of the parties hereto, and having made careful inquiry and investigation of said matter and being fully advised in the premises said Arbitrator finds:

That on September 8, 1971, the Respondent Sears Bank and Trust Co., was operating under and subject to the provisions of the Illinois Workmen's Compensation Act; that on said date the relationship of employee and employer existed between the Petitioner Mildred Kozmel and said Respondent; that on the date last above mentioned said Petitioner sustained

accidental injuries arising out of an in the course of the employment; and that notice of said accident was given said Respondent within the time required under the provisions of said Act.

That the earning of the Petitioner during the year next preceding the injury were $6,708.00 and that the average weekly wage was $129.00.

That Petitioner at time of injury was 41 years of age, single and had 1 child under 18 years of age.

That necessary first aid, medical, surgical and hospital services have not been provided by the Respondent herein.

That Petitioner is entitled to have and receive from said Respondent the sum of $79.00 per week for a period of 6 weeks, that being the period of temporary total incapacity for work, for which compensation is payable.

That Petitioner is entitled to have and receive from said Respondent the sum of $63.00 per week for a further period of 100 weeks, as provided in paragraph (e) of Section 8 of said Act, as amended, for the reason that the injuries sustained caused the permanent and complete loss of use of the right leg to the extent of 30% thereof and of the left leg to the extent of 20% thereof.

That no compensation has been paid on account of said injury.

That said Petitioner is now entitled to have and receive from the Respondent the sum of $6,774.00, being the amount of compensation that has accrued from September 8, 1971, and to the further sum of $2,545.00 for necessary first aid, medical, surgical and hospital services, as provided in paragraph (a) of Section 8.

You are further notified that unless a petition for review is filed with the Industrial Commission within fifteen (15) days after receipt of this decision and a review perfected in accordance with the Workmen's Compensation Act and the Rules of the Industrial Commission, then the decision of the Arbitrator shall be entered as the decision of the Industrial Commission.

DATED and ENTERED this date July 11, 1979.

Daniel Smith,
ARBITRATOR